



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 01425-00

7 July 2000

AS1 [REDACTED] USN  
[REDACTED]  
[REDACTED]

Dear Petty [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that the performance evaluation report for 16 November 1996 to 15 November 1997 be removed, or in the alternative, that the marks in blocks 36 through 39 be raised to "4.0" (second best).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 18 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

The Board found no internal inconsistency in the contested evaluation, noting the narrative indicates your difficulty was in maintaining an acceptable level of attrition as the Delayed Entry Program coordinator. In this regard, they were unable to find you were evaluated unfavorably for truthfully answering questions raised by parents of potential applicants. Finally, they noted that contrary to your assertion that the contested evaluation omits your receipt of your third good conduct award, block 44 of the evaluation specifically mentions you were "Awarded a Third Good Conduct Medal."

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1425-00

1610  
PERS-311  
18 May 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original performance evaluation for the period 16 November 1996 to 15 November 1997.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member indicated he did desire to make a statement. The member's statement and reporting senior's endorsement was never received by PERS-311. The member provided a copy of his statement with his petition; however, it is not acceptable for filing, as it is not endorsed by his reporting senior, Commander [REDACTED]. We are in the process of forwarding it to the reporting senior for her endorsement.

b. The evaluation report is a Periodic/Regular report. The performance evaluation appears to be procedurally correct. The reporting senior may properly comment or assign grades based on performance of duty or events that occurred during the reporting period. Nothing provided in the member's petition demonstrates that the reporting senior acted improperly, violated requirements, or that she abused her discretionary authority in evaluating the member's performance.

c. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

[REDACTED]  
Head, Performance  
Evaluation Branch

(3) A 0